UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,185	05/20/2004	Marcel Joseph Louis Mampaey	Q81536	7244

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EXAMINER
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ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/849,185*	MAMPAEY ET AL.
	Examiner EL HADJI M. SALL	**Art Unit** 2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>18 June 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *1-10*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See continuation.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157

(A)   Applicant argues that Ejzak does not teach or suggest a "call session control Network element (CSCF) upon intercepting said incoming IP multimedia call activating a dedicated primary application server" as recited in the claim.
In regards to point (A), examiner respectfully disagrees.
In column 13, lines 8-16, Ejzak discloses to provide the features and services indirectly, the S-CSCF sends standard SIP signaling to one or more application servers in the network...the S-CSCF (i.e. A Serving-CSCF (S-CSCF) is the central node of the signaling plane. It is a SIP server, but performs session control too. It is always located in the home network. It uses DIAMETER Cx and Dx interfaces to the HSS to download and upload user profiles — It has no local storage of the user. All necessary information is loaded from the HSS. It handles SIP registrations, which allows it to bind the user location (e.g. the IP address of the terminal) and the SIP address. it sits on the path of all signaling messages, and can inspect every message (i.e. "intercepting incoming IP multimedia call"). It decides to which application server(s) the SIP message will be forwarded, in order to provide their services (see www.answers.com)) directly provides features and services for the UE (user element) indirectly through application servers (i.e. " activating a dedicated primary application server").

(B)   Applicant argues that Ejzak does not teach or suggest that "a primary application server, upon analysis of an incoming IP multimedia call presents the incoming IP multimedia call to a call party terminal (CDPT) together with a set of service applications for answering the incoming call", as required by the claim.
In regards to point (B), examiner respectfully disagrees.
    In column 13, lines 8-18, Ejzak discloses provide the features and services indirectly, the S-CSCF sends standard SIP signaling to one or more application servers in the network. Although the exemplary embodiment describes the case where the S-CSCF directly provides features and services, the procedures described here also apply, with minor modifications, when the S-CSCF provides features and services for the UE indirectly through application servers (i.e. "analysis of an incoming IP multimedia call"). The PSTN delivers (414) phone calls destined for a UE ("call party terminal") that can be registered for service with an IMS (IP multimedia subsystem) to that IMS (i.e. "presenting the incoming IP multimedia call to a call party terminal").

(C)   Applicant argues that Ejzak does not teach or suggest that "a call session control network element receives a selection of at least one service application from a set of applications forwarded by a called terminal", as required by the claim.
In regards to point (C), examiner respectfully disagrees.
    In column 3, line 66 to column 4, line 9, Ejzak discloses call session control network which perform multiple functions including incoming call gateway (i.e. "receiving a selection of at least one service application"); in column 8, lines 49-54, Ejzak discloses when a mobile unit registers, iMSC server 201 (i.e. "called party terminal") queries DNS 165 to obtain the domain name and subsequently the IP address of the I-CSCF to which it shall forward the registration message. The I-CSCF can then do a query to DNS 165 to get the domain name and subsequently the IP address of the HSS to query